

Serial No. 10/647,411

Filed: August 25, 2003

Title: CONTEXT SENSITIVE ADVERTISEMENT DELIVERY FRAMEWORK

Applicant: Michel K. Bowman-Amuah

Group Art Unit No.: Not assigned

Examiner: Not assigned

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AUG 05 2005

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the phone number 571-273-8300, and is addressed to "Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on August 5, 2005.


Chris Barnard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47

1. Summary of the status of this application

A petition under 37 C.F.R. § 1.47 was filed on 22 June 2004. On 8 February 2005, the Office of Petitions mailed a "DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(b)". The decision indicated that the petition lacked "proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration".

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Docket No. 060021-376302

2. Proof that the inventor refuses to sign is now provided.

On 28 April 2005, a package was sent via Federal Express to the inventor. This package included the attached letter (Exhibit A), the patent specification, the drawings, the declaration and the assignment for the present application. Exhibit B is the tracking receipt for this package. Exhibit C is the updated tracking receipt showing that the package was successfully delivered to the inventor.

On 6 May 2005, the undersigned spoke with the inventor on the phone for approximately 45 minutes. Exhibit D is a redacted version of a memorandum drafted by the undersigned immediately after the phone call. This memorandum summarizes the phone call. Page 2 of the memorandum states "He [the inventor] said that since he gave Accenture so many of his ideas while working at Accenture he decided that after leaving the firm he wouldn't just assign patents over to Accenture." Page 3 states "The conversation with Michel [the inventor] was mostly Michel trying to explain his story on why he hasn't signed the documents."

During the conversation, the inventor said that he would not sign the declaration and the assignment unless paid some additional amount of money, which he had not yet decided upon. The undersigned reminded the inventor that he has a duty to sign the declaration and the assignment under his employment agreement with Accenture. The inventor requested a copy of that agreement. Exhibit E is the e-mail message that the undersigned sent to the inventor later that same afternoon along with a copy of his employment agreement.

On 1 July 2005, the undersigned sent a follow-up e-mail message to the inventor, informing him that Accenture would reimburse him for reasonable out-of-pocket traveling expenses. The inventor was reminded that as "we discussed, there are a few papers that still need your signature. Would you now be willing to sign them for me?" This e-mail message is attached as Exhibit F.

Exhibit G is an e-mail message the Inventor sent on 13 July 2005. The Inventor said "I guess we are stalemated on this point [signing the documents] so, unless we can come up with some other way of cost/expense recover, I doubt if I will assign the remaining patents to Accenture." Although the inventor has used the word "doubt", it is clear from the word "stalemated", the long battle in seeking his signature, and from his phone

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conversation with the undersigned that he refuses to sign the declaration and assignment unless paid some additional amount of money, even though the inventor now expressly knows that his employment agreement requires him to sign the declaration and assignment papers.

These Exhibits prove that the Inventor refuses to sign the declaration.

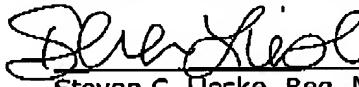
3. Conclusion

Based on the above information, it is respectfully requested that the Petition under 37 C.F.R. 1.47(b) be reconsidered and granted.

The Commissioner is authorized to charge any fees, including the petition fee or fees for any extension of time, to Deposit Account No. 50-1901 (Docket 060021-376302).

Date: August 5, 2005

Respectfully submitted,


Steven C. Dleske, Reg. No. 47,749
Attorney for Assignee
Customer Number 29,838

Oppenheimer Wolff & Donnelly LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402
Telephone: 612.607.7508
Facsimile: 612.607.7100

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E-Mail: SLicske@oppenheimer.com

EXHIBIT A

April 28, 2005

VIA FEDERAL EXPRESS

Michel K. Bowman-Amuah
6426 Peak Vista Circle
Colorado Springs, CO 80918

Kevin Zilka
Zilka-Kotab, PC
95 South Market Street, Suite 420
San Jose, CA 95113

Re: Patent Specifications, Declarations and Assignments

Title: "Service Control Architecture"
Serial Number: 10/306,979
Accenture Docket: 00466-00/US
Oppenheimer Docket: 060021-376101/US

Title: "Service Control Framework for Seamless Transfer of a Multimedia Conference Over Different Media"
Serial Number: 10/307,142
Accenture Docket: 00467-00/US
Oppenheimer Docket: 060021-376201/US

Title: "Context Sensitive Advertisement Delivery Framework"
Serial Number: 10/647,411
Accenture Docket: 00468-51/US
Oppenheimer Docket: 060021-376302/US

Title: "System, Method and Computer Program Product for a B2B Procurement Portal"
Serial Number: 09/796,106
Accenture Docket: 01592-00/US
Oppenheimer Docket: 060021-379901/US

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OPPENHEIMER WOLFF & DONNELLY LLP
Michel K. Bowman-Amuah
April 25, 2005
Page 2

Title: "System, Method and Article of Manufacture for Security Management in a Development Architecture Framework"
U.S. Patent 6,324,647
Accenture Docket: 00084-00/US
Oppenheimer Docket: 060021-323001/US

Dear Mr. Bowman-Amuah:

I understand that Paul Roberts, a patent attorney at Accenture, has been communicating with your patent attorney, Kevin Zilka, about these five cases.

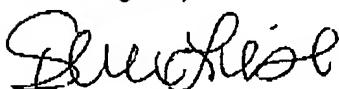
Enclosed is the patent specification, drawings, declaration and assignment for each of the first four above-referenced cases and an assignment for the last above-referenced case.

Based on several factors, we believe that these inventions are related to your work at Accenture and are therefore owned by Accenture. Per your employment agreement with Accenture, I ask that you promptly sign the declaration and assignment documents and return them to me in the enclosed pre-addressed postage-paid Federal Express envelope.

I am also sending a duplicate of these documents to your patent attorney, Kevin Zilka.

Thank you for your assistance. If you have any questions, you can call me at 612-607-7508.

Best regards,



Steven C. Lieske

SCL:atp
Enclosures

OPPENHEIMER:2312391 v02 04/28/2005

Barnard, Christine

From: Notifications@fedex.com
Sent: Thursday, April 28, 2005 2:46 PM
To: Barnard, Christine
Subject: FedEx Shipment Notification

EXHIBIT B

Christine Barnard of Oppenheimer Wolff & Donnelly sent Michel Bowman-Amuah 1 FedEx Standard Overnight package(s).

This shipment is scheduled to be sent on Apr 28, 2005.

Reference information includes:

Reference: 60021-376101

The tracking number is 792268391211.

To track the status of this shipment online, please use the following:
http://www.fedex.com/Tracking?tracknumbers=792268391211&action=track&language=english&cntry_code=us&clienttype=ivshpalrt

Disclaimer

FedEx has not validated the authenticity of any email address.

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United States Home

EXHIBIT C

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Ship

Track

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International Tools

Track Shipments
Detailed Results

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Tracking number	792268391211
Signed for by	1372374
Ship date	Apr 28, 2005
Delivery date	Apr 29, 2005 2:46 PM
Status	Delivered

Reference	60021-376101
Destination	COLORADO SPRINGS, CO
Service type	FedEx 2Day Service

You can also track:

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- [FedEx Trade Shipments](#)
- [By Email Track](#)
- [By FedEx Web Solutions](#)

Date/Time	Activity	Location	Details	Wrong Address?
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Email your detailed tracking results (optional)	Shipping Freight? FedEx has <u>LTL</u> , air freight, surface and air expedited multi piece package and <u>ocean freight</u> .	

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SLeske@oppenheimer.com

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http://www.fedex.com/Tracking/Detail?sum=n&ascend_header=1&totalPieceNum=... 8/5/2005

PAGE 9/16 * RCVD AT 8/5/2005 6:26:13 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/29 * DNIS:2738300 * CSID:612 607 7100 * DURATION (mm:ss):03:18

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OPPENHEIMER WOLFF & DONNELLY LLP

EXHIBIT D

Memorandum

To: Paul Roberts
From: Steven C. Lieske
Subject: Phone call with Michel Bowman

Date: May 6, 2005

CONFIDENTIAL: ATTORNEY-CLIENT
AND WORK PRODUCT PRIVILEGED

Michel Bowman (Amuah) called me this afternoon and we had a 45 minutes telephone conversation in which he set forth his position and reasoning on the current issue where we have asked him to sign some final assignment documents.

[REDACTED]

[REDACTED]

[REDACTED]

Here is a summary of some of the notes I scribbled down during the phone call. I do not know how much of this is true, but this is Michel's side of the story as he sees it:

[REDACTED]

Michel said that when he became involved with patents at Accenture, there wasn't an IP department yet and so he devoted much of his extra time to getting Accenture's patent portfolio off the ground.

[REDACTED]

[REDACTED]

[REDACTED]

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Memo regarding Michel Bowman
page 2

CONFIDENTIAL: ATTORNEY-CLIENT AND
WORK PRODUCT PRIVILEGED

[REDACTED]

[REDACTED]

[REDACTED]

Michel said that he spent 16 (?) hours each week working on the patent applications. [REDACTED]

[REDACTED]

[REDACTED] he started seeing that the patent work was not being valued by those
who he reported to. [REDACTED]

[REDACTED]

Michel said [REDACTED] He
feels burned after spending so much time and money on Accenture's patents and then not being
compensated or acknowledged for his efforts. He said that since he gave Accenture so many of his
ideas while working at Accenture he decided that after leaving the firm he wouldn't just assign
patents over to Accenture. [REDACTED]

[REDACTED]

[REDACTED] he wants to stand
up for himself and to defend himself. [REDACTED]

[REDACTED]

Memo regarding Michel Bowman
page 3

CONFIDENTIAL: ATTORNEY-CLIENT AND
WORK PRODUCT PRIVILEGED

[REDACTED]

[REDACTED]

[REDACTED]

The conversation with Michel was mostly Michel trying to explain his story on why he hasn't signed the documents.

[REDACTED]

[REDACTED]

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Lieske, Steven

EXHIBIT E

From: Lieske, Steven
Sent: Friday, May 06, 2005 3:44 PM
To: michelbowman@yahoo.com
Cc: paul.a.roberts@accenture.com
Subject: Agreement
Attachments: Employment Agreement for Michel Bowman-Amuah-v1.PDF

Michel -

Thank you very much for speaking with me this afternoon. As promised, attached is the copy of an employment agreement you signed with Accenture.

I will be speaking with Paul Roberts and will follow up with you soon.

Have a great weekend.

Steven Lieske
Patent Attorney
OPPENHEIMER WOLFF & DONNELLY LLP
45 South 7th Street, Suite 3300
Minneapolis, MN 55402-1609
Direct: 612-607-7508
Fax: 612-607-7100
SLieske@Oppenheimer.com

8/5/2005

Lleske, Steven**EXHIBIT F**

From: Lleske, Steven
Sent: Friday, July 01, 2005 10:46 AM
To: 'michelbowman@yahoo.com'
Cc: paul.a.roberts@accenture.com
Subject: Follow-up Information about the Accenture patents

Hi Michel -

Sorry for the delay in getting back to you about this issue.

I spoke with the Accenture patent attorneys and explained what I learned from you during our phone conversation.

Accenture is prepared to reimburse you for any reasonable, documented, out-of-pocket expenses you incurred for these patent applications. Do you have receipts that could be used as documentation? If so, if you send me a copy of the receipts, I will submit them to Accenture for you.

Unfortunately, Accenture is not able to otherwise pay you any type of "inventor award" for being the named inventor for these patent applications but as mentioned, Accenture is willing to pay for reasonable expenses, which we could discuss with you, me and Paul Roberts, Accenture's IP attorney dealing with this matter.

As we discussed, there are a few papers that still need your signature. Would you now be willing to sign them for me?

Feel free to call me at your convenience if you have any questions.

Best regards,

Steven Lleske
Patent Attorney
OPPENHEIMER WOLFF & DONNELLY LLP
45 South 7th Street, Suite 3300
Minneapolis, MN 55402-1609

Direct: 612-607-7508

Fax: 612-607-7100

SLleske@Oppenheimer.com

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7/1/2005

EXHIBIT G

Lieske, Steven

From: Michel [mailto:mbowman@broadsplash.net]
Sent: Wednesday, July 13, 2005 2:35 PM
To: Lieske, Steven; michelbowman@yahoo.com
Cc: paul.a.roberts@accenture.com
Subject: RE: Follow-up information about the Accenture patents

Dear Steven,

Thank you for your email which I received on the 2nd July; I really appreciate your efforts to bring some resolution to the matter at hand, I certainly believe that you gave it your best shot. Even though I would like to put this matter behind us and move on, I doubt if I can provide the documentation to support the expenses due. It has been over five years in some cases and more than three years since the last patent was filed making it an almost impossible expectation to meet; I doubt if I can find hotel, car rental, cellphone and airline ticket receipts going back that far.

[REDACTED]

I guess we are stalemated on this point so, unless we can come up with some other way of cost/expense recovery, I doubt if I will assign the remaining patents to Accenture.

[REDACTED]

Sincerely

Michel Bowman

From: Lieske, Steven [mailto:SLieske@oppenheimer.com]
Sent: Friday, July 01, 2005 5:46 PM
To: michelbowman@yahoo.com
Cc: paul.a.roberts@accenture.com
Subject: Follow-up information about the Accenture patents

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I spoke with the Accenture patent attorneys and explained what I learned from you during our phone conversation.

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8/5/2005

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Unfortunately, Accenture is not able to otherwise pay you any type of "inventor award" for being the named inventor for these patent applications but as mentioned, Accenture is willing to pay for reasonable expenses, which we could discuss with you, me and Paul Roberts, Accenture's IP attorney dealing with this matter.

As we discussed, there are a few papers that still need your signature. Would you now be willing to sign them for me?

Feel free to call me at your convenience if you have any questions.

Best regards,

Steven Lieske
Patent Attorney
OPPENHEIMER WOLFF & DONNELLY LLP
45 South 7th Street, Suite 3300
Minneapolis, MN 55402-1609
Direct: 612-607-7508
Fax: 612-607-7100
SLieske@Oppenheimer.com

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8/5/2005